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LAW DEPARTMENT

NOTIFICATION

The 3rd July, 2010

S.R.O. No. 263/2010—Whereas pursuant to resolution passed in the conference of Chief Ministers of States and the Chief Justices of the High Courts held at New Delhi on 8th April, 2007 and 19th April, 2008, decision was taken to set up Evening/Morning Courts wherever found feasible and appropriate cases including those involving petty offences be transferred to such Courts.

And, whereas, the High Court of Orissa on consideration of the matter for setting up Evening/Morning Courts for trial of petty offences as per resolution of Chief Justices Conference, have decided to set up four Evening Courts at Bhubaneswar with serving Judicial Magistrate First Class on experimental basis for trial of petty offences in terms of the resolution passed in the Chief Justices Conference, 2007.

Now, therefore, in exercise of powers conferred by proviso to Article 309 read with Articles 227, 235 and all other enabling provisions of the Constitution of India, the Governor of Orissa in consultation with the High Court of Orissa hereby makes the following rules for introduction and implementation of the scheme of Evening Courts namely:—

1. Short title and commencement:

(1) These rules may be called the Orissa Evening Courts Rules, 2010.

(2) They shall come into force on the date of their publication in the Official Gazette and shall remain in force up to 31st March, 2011 or for such further period as may be extended by the State Government in consultation with the High Court, by publishing a notification in Official Gazette.

2. Definitions:

In these rules, unless the context otherwise requires,—

- (a) "Court" means the Court of the Judicial Magistrate of the First Class or of the Second Class as referred to in the Code of Criminal Procedure, 1973 (2 of 1974).
- (b) "Evening Court" means the court as notified under rule 3.
- (c) "High Court" means the High Court of Orissa.
- (d) "Judicial Officer" means a Judicial Magistrate of the First Class or Second Class belonging to Orissa Judicial Service.
- (e) "Members of staff" in relation to the Court, means employees working in the District and Subordinate Court.
- (f) "Norms" means the norms for disposal prescribed by High Court of Orissa.

3. Notification of Evening Court:

For the purpose of these rules, the State Government in consultation with High Court may notify such number of Courts to be Evening Courts and at such place with such local area as may be specified in the notification.

4. Jurisdiction of Evening Court:

Subject to the provision of the Code of Criminal Procedure, 1973, the Evening Court shall have jurisdiction to try offences punishable with imprisonment for a term not exceeding three years, or fine, or of both.

5. Working Hours:

Notwithstanding anything contained in the G.R. C.O. (Criminal) daily sitting of Evening Courts for judicial work shall be 6.15 p.m. to 8.15 p.m. on all working days.

6. Norms of Disposal:

The norms for disposal of cases assigned to the Evening Courts shall be 25% of the Norms prescribed for the regular courts.

7. Honorarium:

The Judicial Officers and the members of the staff working in the Evening Courts shall receive 20% of their basic pay, as honorarium.

Explanation:— For the purpose of these rules, the expression "basic pay" in relation to a judicial officer means the pay with Dearness Pay as per Office Memorandum No.17491-CS-1(P)-13/06/F., dated the 22nd April, 2006 issued by the Finance Department and in relation to the members of the staff, the "basic pay" means the basic pay as defined in the Orissa Revised Scales of Pay Rules, 2008

8. Supervision:

Subject to the overall control of the High Court, the Sessions Judge shall supervise and monitor the functioning of the Evening Courts under his jurisdiction.

[No. 6958-IJ-48/2010/L]

By order of the Governor

D.DASH

Principal Secretary to Government